

Amendment/Response

Reply to Office Action of May 13, 2010

REMARKS/DISCUSSION OF ISSUES

Claims 1-10, 13-14, and 18-20 are pending in this application, with claims 1, 2, 4, 5, 6, and 13 being amended and claims 7-10 being cancelled.

Objections to the claims

Claim 6 is objected to for an informality. Claim 6 is amended to correct the informality as suggested by the examiner. Reconsideration of the objection to claim 6 is respectfully requested.

Rejections under 35 U.S.C. § 102

(a) Claim 18 is rejected under 35 U.S.C. § 102 as being anticipated by Beck. The rejection of the claim is respectfully traversed.

The examiner reads the claim term "brace" as including the assembly defined by clamping plates 11, 12 and jaws 15, 16 in Beck. Applicant respectfully suggests that the clamping mechanism of Beck is just that, i.e., a clamping mechanism, and not a brace as required by the claim. Note in the specification in paragraph [14], wherein brush 38 is attached to brace 36 as depicted in Fig. 1. In the embodiment shown in Fig. 2, paragraph [19], no brace is mentioned; instead, a fastener adjustable clamp 40 is described. In the embodiment shown in Fig. 3, a plate 20 with flexible straps 26 are shown, as described in paragraph [20]. Finally, the embodiment of Fig. 4 shows the connection between the faucet and the cleaning apparatus as rod 30, as described in paragraph [21]. Note that the connection shown in Beck is a clamping mechanism and not a brace as that term is used in the specification and shown in the drawings.

Applicant suggests that this interpretation of the claim language is the broadest reasonable interpretation that is consistent both with the specification and with the interpretation that those skilled in the art would reach. MPEP Section 2111. Applicant respectfully suggests that one skilled in the art would not equate a clamping mechanism to a brace. In fact, the examiner himself states that Beck discloses "a clamping mechanism 11, 12, 15, 16" in his rejection of claims 1-10. Because a clamping mechanism is not a brace, it is respectfully suggested that the rejection of claim 18 for anticipation is overcome.

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Reconsideration of the rejection of claim 18 under 35 U.S.C. § 102 is respectfully requested.

Rejections under 35 U.S.C. § 103(a)

(a) Claims 1-10 are rejected under 35 U.S.C. § 103 as being unpatentable over Beck in view of Rix. Claim 1 is amended to overcome the rejection.

Claim 1 now requires that the resilient brace be one-piece and that the resilient brace attach to an inside of the backplane. The resilient brace also has to be effective for attaching the brush assembly to the faucet by stretching and then contracting onto the faucet.

The combination of features as recited in claim 1 are not found in the combination of Beck and Rix. In particular, the brace shown and described in Rix does not attach to an inside of the backplane of Beck, nor is there any suggestion that such a thing could be possible, let alone desirable.

Thus, the combination of the prior art cited by the examiner does not yield the claimed invention, and the rejection for obviousness is overcome.

Claims 2-6, being dependent upon and further defining independent claim 1, should be allowable for that reason, as well as for the additional recitations they contain. Claims 7-10 are cancelled. Therefore, reconsideration of the rejection of claims 1-6 under 35 U.S.C. § 103 is respectfully requested.

(b) Claim 19 is rejected under 35 U.S.C. § 103 as being unpatentable over Beck in view of Rix, and further in view of Hubert. Claim 19, being dependent upon and further defining independent claim 1, should be allowable for that reason, as well as for the additional recitations it contains. Therefore, reconsideration of the rejection of claim 19 under 35 U.S.C. § 103 is respectfully requested.

(c) Claims 13, 14, and 20 are rejected under 35 U.S.C. § 103 as being unpatentable over Hubert in view of Lieferman. The rejection of the claims is respectfully traversed.

Hubert discloses a stationary outside brush 18 and a circular brush 20 which is rotatably mounted inside stationary brush 18. Twisted wires 100 hold the bristles of outside brush 18, a

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common arrangement found in brushes whose bristles are in at least a partial circle around the wires 100. Circular brush 20 is driven by the water stream from the faucet. Lieferman discloses a scrubbing member 20 which can be in the same plane as the longitudinal axis of the faucet.

The first problem with the examiner's analysis is that twisted wires 100 cannot be thought of as a backplane. The word "backplane" was chosen because of the planar nature of the backplane. In claim 13, the brush assembly includes the backplane with at least one brush attached to the backplane such that a plurality of bristles on the at least one brush faces outward from the backplane. This is not the case in Hubert, where instead the bristles are in a circular pattern bound around twisted wires 100. See, for example, Fig. 2 to see the circular pattern of bristles 18. Thus, there is no "backplane" disclosed in Hubert and it would be impossible to determine what plane is defined by the twisted wires 100.

The second problem with the examiner's analysis is that one of the standards for combining prior art references is that the combination must be workable. As MPEP Section 2143.02 puts it, a reasonable expectation of success is required to combine prior art. Assuming that one plane could be defined by the twisted wires 100, Applicant further assumes that the examiner, by his response, doesn't believe that his so-called backplane passes through the longitudinal axis of the faucet. Assuming that Lieferman discloses a backplane which does pass through the longitudinal axis of the faucet, the examiner has to envision Hubert modified so that the so-called backplane in Hubert passes through the longitudinal axis of the faucet.

Applicant respectfully suggests that such an arrangement would not work for its intended purpose. The water stream from the faucet, which drives impeller 22, would end up exiting the brush assembly in a horizontal direction instead of a vertical direction. If the force of the water increases, as would be the case if the faucet handle is opened fully wide, the water could easily spray outside the sink. In addition, the action of the soap container 24 wouldn't work as envisioned by Hubert. Note in column 4, lines 26-30, where it is described how the soapy water flows downwardly by gravity through discharge openings 74 at the bottom of soap container 24, and from there over impeller 22 and to rotating brush 20 and the surface being cleaned. This would not happen if the orientation of the entire brush assembly were changed so that the so-called backplane formed a plane which passed through the longitudinal axis of the faucet. In

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other words, the device as disclosed in Hubert would not work if the so-called backplane were arranged as shown in Leiferman.

One of the standards for combining prior art references is that the combination must be workable. As MPEP Section 2143.02 puts it, a reasonable expectation of success is required to combine prior art. In this case, however, combining Hubert with Leiferman does not provide any sort of expectation of success, because the mechanism in Hubert **would not work** if the backplane in Hubert was modified to include this claim limitation.

Thus, the combination of the prior art cited by the examiner is improper, and the rejection for obviousness is overcome.

Claims 14 and 20, being dependent upon and further defining independent claim 13, should be allowable for that reason, as well as for the additional recitations they contain. Therefore, reconsideration of the rejection of claims 13, 14, and 20 under 35 U.S.C. § 103 is respectfully requested.

If any points are in issue that may be resolved through a personal or telephonic interview, the Examiner is respectfully requested to contact the undersigned at the telephone number indicated or by e-mail directed to Chris@PatentingServices.com.

Respectfully submitted,

/CRPastel/

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